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Sexual exploitation and prostitution and its impact on gender equality

European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI))

The European Parliament,

- having regard to Articles 4 and 5 of the 1948 Universal Declaration of Human Rights,
- having regard to the UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
- having regard to Article 6 of the CEDAW Convention of 1979 which seeks to combat all forms of traffic in women and the exploitation of the prostitution of women,
- having regard to the 1989 UN Convention on the Rights of the Child,
- having regard to the UN Declaration of 1993 on the Elimination of Violence against Women, Article 2 of which states that violence against women includes: ‘physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution’,
- having regard to the 2000 Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, annexed to the UN Convention against Transnational Organised Crime,
- having regard to the D.3 strategic objective of the 1995 Platform for Action and the Beijing Declaration,
- having regard to ILO Convention No 29 on forced or compulsory labour, Article 2 of which defines forced labour,
- having regard to the International Organisation for Migration (IOM) Brussels Declaration (11) on preventing and combating trafficking in human beings, which calls for a comprehensive, multidisciplinary and effectively coordinated policy that involves actors from all the fields concerned,
- having regard to the Council of Europe recommendations in this field, such as Recommendation No R 11 of 2000 on trafficking in human beings for the purpose of sexual exploitation, Recommendation No R 5 of 2002 on the protection of women against violence, and Recommendation 1545 of 2002 on the campaign against trafficking in women,
- having regard to the Council of Europe Convention on Action against Trafficking in Human Beings,

- having regard to the Parliamentary Assembly of the Council of Europe motion for a recommendation “Criminalising the purchase of sex to combat the trafficking of people for sexual exploitation”, Doc. 12920 of 26 April 2012,
- having regard to the 2000 OSCE Vienna Ministerial Decision No 1(12) in support of the OSCE measures and to the OSCE Action Plan to combat trafficking in human beings (Decision No 557, taken in 2003),
- having regard to Articles 2 and 13 of the Treaty on European Union,
- having regard to Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings,
- having regard to Council Framework Decision 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing Council Framework Decision 2002/629/JHA of 19 July 2002,
- having regard to the Council Resolution on initiatives to combat trafficking in human beings, in particular women¹,
- having regard to the EU Strategy Towards the Eradication of Trafficking in Human Beings,
- having regard to its resolution of 15 June 1995 on the Fourth World Conference on Women, held in Beijing, ‘Action for Equality, Development and Peace’²,
- having regard to its resolution of 24 April 1997 on the Commission communication on illegal and harmful content on the Internet³,
- having regard to its resolution of 16 September 1997 on the need to establish a European Union wide campaign for zero tolerance of violence against women⁴,
- having regard to its resolution of 24 October 1997 on the Commission Green Paper on the protection of minors and human dignity in audiovisual and information services⁵,
- having regard to its resolution of 6 November 1997 on the Commission communication on combating child sex tourism and the aide-memoire on the European Union’s contribution to reinforcing the prevention of the sexual abuse and exploitation of children⁶,
- having regard to its resolution of 16 December 1997 on the Commission communication on trafficking in women for the purpose of sexual exploitation⁷,

¹ OJ C 260, 29.10.2003, p. 4.

² OJ C 166, 3.7.1995, p. 92.

³ OJ C 150, 19.5.1997, p. 38.

⁴ OJ C 304, 6.10.1997, p. 55.

⁵ OJ C 339, 10.11.1997, p. 420.

⁶ OJ C 358, 24.11.1997, p. 37.

⁷ OJ C 14, 19.1.1998, p. 39.

- having regard to its resolution of 13 May 1998 on the proposal for a Council recommendation concerning the protection of minors and human dignity in audio-visual and information services¹,
- having regard to its resolution of 17 December 1998 on respect for human rights in the European Union²,
- having regard to its resolution of 10 February 1999 on the harmonisation of forms of protection complementing refugee status in the European Union³,
- having regard to its resolution of 30 March 2000 on the communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the implementation of measures to combat child sex tourism⁴,
- having regard to its resolution of 11 April 2000 on the initiative of the Republic of Austria with a view to adopting a Council decision to combat child pornography on the Internet⁵,
- having regard to its resolution of 18 May 2000 on the follow-up to the Beijing Action Platform⁶,
- having regard to its resolution of 19 May 2000 on the communication from the Commission to the Council and the European Parliament entitled ‘For further actions in the fight against trafficking in women’⁷,
- having regard to its resolution of 15 June 2000 on the Commission communication on crime victims in the European Union: Reflexions on standards and action⁸,
- having regard to its resolution of 12 June 2001 on the proposal for a Council framework decision on combating trafficking in human beings⁹,
- having regard to its resolution of 17 January 2006 on strategies to prevent the trafficking of women and children vulnerable to sexual exploitation¹⁰,
- having regard to its resolution of 2 February 2006 on the current situation in combating violence against women and any future action¹¹,
- having regard to its resolution of 15 March 2006 on forced prostitution in the context of world sports events¹,

¹ OJ C 167, 1.6.1998, p. 128.

² OJ C 98, 9.4.1999, p. 279.

³ OJ C 150, 28.5.1999, p. 203.

⁴ OJ C 378, 29.12.2000, p. 80.

⁵ OJ C 40, 7.2.2001, p. 41.

⁶ OJ C 59, 23.2.2001, p. 258.

⁷ OJ C 59, 23.2.2001, p. 307.

⁸ OJ C 67, 1.3.2001, p. 304.

⁹ OJ C 53 E, 28.2.2002, p. 114.

¹⁰ OJ C 287 E, 24.11.2006, p. 75.

¹¹ OJ C 288 E, 25.11.2006, p. 66.

- having regard to its resolution of 26 November 2009 on the elimination of violence against women²,
 - having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women³,
 - having regard to its resolution of 6 February 2013 on the 57th session on UN CSW: Elimination and prevention of all forms of violence against women and girls⁴,
 - having regard to its resolution of 23 October 2013 on organised crime, corruption and money laundering – recommendations on action and initiatives to be taken⁵,
 - having regard to the European Women’s Lobby awareness raising campaign ‘Not for sale’,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on Development (A7-0071/2014),
- A. whereas prostitution and forced prostitution are gendered phenomena with a global dimension, involving around 40-42 million people worldwide, with the vast majority of prostituted persons being women and under-age females, and almost all buyers being men, and whereas it is therefore both a cause and a consequence of gender inequality which it aggravates further;
- B. whereas prostitution and forced prostitution are forms of slavery incompatible with human dignity and fundamental human rights;
- C. whereas trafficking of persons, particularly women and children, for sexual as well as other forms of exploitation is one of the most egregious violations of human rights; whereas trafficking in human beings is growing globally, led by the increase in organised crime and its profitability;
- D. whereas work is one of the main sources of human self-realisation, through which individuals make a supportive contribution to collective wellbeing;
- E. whereas prostitution and forced prostitution are intrinsically linked to gender inequality in society and have an impact on the status of women and men in society and the perception of their mutual relations and sexuality;
- F. whereas sexual and reproductive health is promoted through healthy approaches to sexuality conducted with mutual respect;
- G. whereas Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims establishes robust provisions on victims;

¹ OJ C 291 E, 30.11.2006, p. 292.

² OJ C 285 E, 21.10.2010, p. 53.

³ OJ C 296 E, 2.10.2012, p. 26.

⁴ Texts adopted, P7_TA(2013)0045.

⁵ Texts adopted, P7_TA(2013)0444.

- H. whereas any policy on prostitution has an impact on achieving gender equality, affects the understanding of gender issues and delivers messages and norms to a society, including its youth;
- I. whereas prostitution functions as a business and creates a market, with different actors being interlinked and where pimps and procurers are calculating and acting to secure or increase their markets and maximising profits, and whereas the buyers of sex play a key role as they maintain the demand in this market;
- J. whereas according to WHO, sexual health “requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence”;
- K. whereas prostitution reduces all intimate acts to their monetary value and diminishes the human being to the level of merchandise or an object to be used by the client;
- L. whereas the vast majority of prostituted persons come from vulnerable groups;
- M. whereas procuring is closely linked with organised crime;
- N. whereas organised crime, human trafficking, extremely violent crime and corruption flourish in the shadow of prostitution, and any framework of legalisation primarily benefits the pimps, who are able to transform themselves into ‘businessmen’;
- O. whereas the prostitution markets fuel trafficking in women and children¹;
- P. whereas trafficking acts as a means to bring a supply of women and under-age females to the prostitution markets;
- Q. whereas EU data show that the current policy to combat trafficking is not effective and that there is a problem to identify and prosecute traffickers so that the investigation of sex-trafficking cases and the prosecution and conviction of human traffickers need to be strengthened;
- R. whereas more and more young people, among whom alarmingly many are children, are forced into prostitution;
- S. whereas the pressures under which prostitution takes place can be direct and physical, or indirect, for example by means of pressure on the family in the country of origin, and whereas such pressures can be psychological and insidious;
- T. whereas the main responsibility for addressing trafficking in human beings lies with the Member States, and whereas in April 2013 only six Member States have notified full transposition of the EU Directive against trafficking in human beings, the implementation deadline for which expired on 6 April 2013;
- U. whereas the Commission, in its Strategy for Equality between Women and Men (2010-2015), declares that ‘inequalities between women and men violate fundamental rights’;

¹ The 2006 report by Sigma Huda, UN Special Rapporteur on Trafficking in Persons, especially in women and children, highlighted the direct impact of the policies on prostitution on the scale of trafficking in human beings.

- V. whereas there is a huge divergence in the way that the Member States deal with prostitution, with two main approaches existing: one approach views prostitution as a violation of women's rights – a form of sexual slavery –, which results in and maintains gender inequality for women; the other approach maintains that prostitution itself promotes gender equality by promoting a woman's right to control what she wants to do with her body; in both instances individual Member States have the competence to decide how they approach the issue of prostitution;
 - W. whereas there is a difference between 'forced' and 'voluntary' prostitution;
 - X. whereas the issue of prostitution needs to be addressed with a long-term vision and the perspective of gender equality;
1. Recognises that prostitution, forced prostitution and sexual exploitation are highly gendered issues and violations of human dignity, contrary to human rights principles, among which gender equality, and therefore contrary to the principles of the Charter of Fundamental Rights of the European Union, including the goal and the principle of gender equality;
 2. Underlines that the health rights of all women must be respected, including their right to their bodies and sexuality and to be free of coercion, discrimination and violence;
 3. Stresses that there are several links between prostitution and trafficking, and recognises that prostitution – both globally and across Europe – feeds the trafficking of vulnerable women and under-age females, a large percentage of whom are between 13-25 years old; stresses that, as shown by data from the Commission, a majority of victims (62 %) are trafficked for sexual exploitation, with women and under-age females accounting for 96 % of identified and presumed victims, with the percentage of victims from non-EU countries showing an increase in the past few years;
 4. Acknowledges, however, that the lack of reliable, accurate and comparable data among countries, owing mainly to the illegal and often invisible nature of prostitution and trafficking, keeps the prostitution market opaque and hinders political decision-making, which means that all figures are based solely on estimates;
 5. Stresses that prostitution is also a health issue, as it has detrimental health impacts on persons in prostitution, who are more likely to suffer from sexual, physical and mental health traumas, drug and alcohol addiction, and loss of self-respect, as well as a higher mortality rate, than the general population; adds and stresses that many of the sex buyers ask for unprotected commercial sex, which increases the risk of detrimental health impacts, both for persons in prostitution and for the buyers;
 6. Stresses that forced prostitution, prostitution and exploitation in the sex industry can have devastating and long-lasting psychological and physical consequences for the individual involved (even after they have left prostitution), especially children and adolescents, in addition to being both a cause and a consequence of gender inequality, while perpetuating gendered stereotypes and stereotypical thinking about women selling sex, such as the idea that women's and under-age females' bodies are for sale to satisfy male demand for sex;

7. Calls, further, on the Member States to introduce, in accordance with national law, regular, confidential counselling and health checks for prostitutes, on premises other than those where prostitution takes place;
8. Recognises that prostitutes are a high-risk group for HIV infections and other sexually transmitted diseases;
9. Calls on the Member States to exchange best practices on ways to reduce the dangers associated with street prostitution;
10. Recognises that prostitution and forced prostitution can have an impact on violence against women in general, as research on sex buyers shows that men who buy sex have a degrading image of women¹; suggests to the competent national authorities, therefore, that the ban on the purchase of sexual services should be accompanied by a campaign to raise awareness among men;
11. Stresses that prostituted persons are particularly vulnerable socially, economically, physically, psychologically, emotionally and in family terms, and are more at risk of violence and harm than persons engaged in any other activity; national police forces should therefore be encouraged to address, inter alia, the low conviction rates for rape against prostitutes; stresses that prostituted persons are also subject to public opprobrium and are socially stigmatised, even if they stop practising prostitution;
12. Draws attention to the fact that women prostitutes have the right to maternity, and to raise and take care of their children;
13. Stresses that the normalisation of prostitution has an impact on violence against women; points in particular to data that show that men buying sex were more likely to commit sexually coercive acts against women and other acts of violence against women, and often presented misogynist attitudes;
14. Notes that 80-95 % of prostituted persons have suffered some form of violence before entering prostitution (rape, incest, paedophilia), that 62 % of them report having been raped and that 68 % suffer from post-traumatic stress disorder – a percentage similar to that of torture victims²;
15. Underlines that child prostitution can never be voluntary, as children do not have the capacity to ‘consent’ to prostitution; urges the Member States to combat child prostitution (involving persons under the age of 18) as energetically as possible, as it is the most serious form of forced prostitution; urgently demands a zero-tolerance approach based on prevention, protection of victims and prosecution of clients;
16. Points out that child prostitution and the sexual exploitation of children are on the increase, also through social network media, where deception and intimidation are frequently used;

¹ Several studies on sex buyers can be found here:
<http://www.womenlobby.org/spip.php?article1948&lang=en>.

² Farley, M., ‘Violence against women and post-traumatic stress syndrome’, *Women and Health*, 1998; Damant, D. et al., ‘Trajectoires d’entrée en prostitution : violence, toxicomanie et criminalité’, *Le Journal International de Victimologie*, No 3, April 2005.

17. Calls attention to the phenomenon of the prostitution of minors, which is not the same as sexual molestation, and which is rooted in difficult economic situations and an absence of parental care;
18. Stresses the need for effective measures that allow special attention to be given to removing under-age prostituted persons from the so-called prostitution market and to preventing their entry into that market, as well as to focusing on activities contrary to the aims of the UN Convention on the Rights of the Child and its relevant Optional Protocol;
19. Takes the view that the purchase of sexual services from prostitutes under the age of 21 should be a criminal offence, while the provision of such services by prostitutes should not be punishable;
20. Calls attention to the phenomenon of ‘grooming’, involving the prostitution of under-age females or females who have only just reached majority in exchange for luxury goods or small sums of money which provide funds to cover day-to-day expenditure or expenses related to education;
21. Points out to the Member States that education plays an important role in the prevention of prostitution and the organised crime associated with it, and therefore recommends that special, age-specific educational awareness-raising and preventive campaigns be conducted in schools and colleges, and recommends that education about equality be a fundamental goal in the education process for young people;
22. Draws attention to the fact that advertisements for sexual services in newspapers and social media can be means of supporting trafficking and prostitution;
23. Draws attention to the growing role of the internet and social network media in recruiting new and young prostitutes through human trafficking networks; calls for prevention campaigns also to be conducted on the internet, taking into account the vulnerable groups targeted by these human trafficking networks;
24. Draws attention to some of the effects, mostly negative, of mass-media production and pornography, especially online, in creating an unfavourable image of women, which may have the effect of encouraging the human personality of women to be disregarded and of presenting them as a commodity; warns as well that sexual liberty must not be interpreted as a license to disregard women;
25. Stresses that the normalisation of prostitution has an impact on young people’s perception of sexuality and of the relationship between women and men;
26. Stresses that prostituted persons should not be criminalised and calls on all Member States to repeal repressive legislation against prostituted persons;
27. Calls on the Member States to refrain from criminalising and penalising prostituted persons, and to develop programmes to assist prostituted persons/sex workers to leave the profession should they wish to do so;
28. Believes that demand reduction should form part of an integrated strategy against trafficking in the Member States;

29. Considers that one way of combating the trafficking of women and under-age females for sexual exploitation and improving gender equality is the model implemented in Sweden, Iceland and Norway (the so-called Nordic model), and currently under consideration in several European countries, where the purchase of sexual services constitutes the criminal act, not the services of the prostituted persons;
30. Stresses that as prostitution is a cross-border problem, the Member States should assume responsibility for combating the buying of sex outside their own territory;
31. Emphasises that some data confirm the Nordic model's deterrent effect on trafficking into Sweden, where prostitution and sex trafficking have not increased, and that this model is increasingly supported by the population, especially by young people, demonstrating that the legislation has brought about a change in attitudes;
32. Recognises the outcomes of a recent governmental report in Finland, calling for a full criminalisation of the purchase of sex, as the Finnish approach, which criminalises the purchase of sex from victims of trafficking, has proven to be ineffective in tackling trafficking;
33. Believes that legislation provides an opportunity to clarify what the acceptable norms in society are and to create a society reflective of these values;
34. Believes that looking upon prostitution as legal 'sex work', decriminalising the sex industry in general and making procuring legal is not a solution to keeping vulnerable women and under-age females safe from violence and exploitation, but has the opposite effect and puts them in danger of a higher level of violence, while at the same time encouraging prostitution markets – and thus the number of women and under-age females suffering abuse – to grow;
35. Condemns any policy attempt or discourse based on the notion that prostitution can be a solution for migrant women in Europe;
36. Calls, therefore, on the Member States to give the police and the authorities responsible for premises where prostitution takes place the right, in accordance with national law, to enter such premises and to carry out checks at random;
37. Urges the Commission and the Member States to mobilise the necessary means and tools to fight trafficking and sexual exploitation and to reduce prostitution as breaches of women's fundamental rights – in particular with regard to minors – and gender equality;
38. Calls on the Member States to transpose Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, into national law as rapidly as possible, particularly with a view to protecting victims;
39. Urges the Commission to evaluate the impact that the European legal framework designed to eliminate trafficking for sexual exploitation has had to date, to undertake further research on patterns of prostitution, on human trafficking for the purpose of sexual exploitation and on the increased level of sex tourism in the EU, with particular reference to minors, and to promote the exchange of best practices among the Member States;

40. Stresses that the Commission should continue funding projects and programmes to fight trafficking in human beings and sexual exploitation;
41. Calls on the Member States to design and implement policies to deal with trafficking, sexual exploitation and prostitution, and to ensure that all relevant parties, such as NGOs, the police and other law enforcement agencies, and social and medical services, are supported, involved in decision-making processes and work in cooperation;
42. Recognises that a vast majority of persons in prostitution would like to stop but feel unable to do so; stresses that these persons need appropriate support, particularly psychological and social assistance, to escape the sexual exploitation networks and the dependencies frequently associated with these; suggests, therefore, that the competent authorities put in place programmes to help persons escape prostitution, in close cooperation with the stakeholders;
43. Stresses the importance of appropriate training for police services and judicial system personnel, in a more general manner, in the various aspects of sexual exploitation, including gender and immigration aspects, and urges the Member States to encourage police authorities to cooperate with the victims and encourage them to testify, to encourage the existence of specialised services within the police and to employ police women; stresses the need for judicial cooperation between Member States in order to combat human trafficking networks in Europe more effectively;
44. Draws the attention of the national authorities to the impact of the economic downturn on the growing number of women and under-age females, including migrant women, forced to enter prostitution;
45. Points out that economic problems and poverty are major causes of prostitution among young women and under-age females, and that gender-specific prevention strategies, national and Europe-wide campaigns specially targeted at socially excluded communities and those in situations of increased vulnerability (such as persons with disabilities and youth in the child protection system), measures to reduce poverty and to raise awareness among both the purchasers and suppliers of sex, and the sharing of best practices are all key to combating the sexual exploitation of women and under-age females, especially among migrants; recommends that the Commission designate a 'European Week for Combating Trafficking in Human Beings';
46. Stresses that social exclusion is a key factor contributing to the increased vulnerability of disadvantaged women and under-age females to trafficking in human beings; stresses as well that the economic and social crisis has led to unemployment, often causing the most vulnerable women, including those further up the social scale, to enter the prostitution/sex business, in order to overcome poverty and social exclusion; calls on the Member States to tackle the underlying social problems that force men, women and children into prostitution;
47. Urges the Member States to fund organisations working on the ground with support and exit strategies, to provide innovative social services for victims of trafficking or sexual exploitation, including migrant and undocumented persons, assessing their individual needs and risks in order to provide appropriate assistance and protection, and to implement policies – with a holistic approach and through the various police, immigration, health and education services – aimed at helping vulnerable women and

minors leave prostitution, while ensuring that such programmes have a legal basis and the requisite funding to achieve this aim; stresses the importance of psychological counselling and the need for victims of sexual exploitation to be reintegrated into society; points out that this process takes time and requires the development of a life plan that represents a credible and viable alternative for former prostituted persons;

48. Stresses that more analysis and statistical evidence is needed to judge which model is the most effective way of combating the trafficking of women and under-age females for purposes of sexual exploitation;
49. Urges the Member States to evaluate both the positive and negative effects of criminalising the purchase of sexual services on reducing prostitution and trafficking;
50. Calls on the EU and its Member States to develop gender-specific prevention policies in the countries of origin of persons who are prostituted as a result of being trafficked, aimed both at purchasers of sex and at women and minors, through sanctions, awareness-raising campaigns and education;
51. Requests that the EU and the Member States take measures to discourage the practice of sexual tourism inside as well as outside the EU;
52. Requests that the European External Action Service takes measures to stop the practice of prostitution in areas of conflict where EU military forces are present;
53. Instructs its President to forward this resolution to the Council and the Commission.